

PATENT ATTORNEY DOCKET NO.: 051481-5077

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	Application of:	)					
Frederic GAGNON		)				H. How	9n
Applic	cation No.: 09/986,758	)	Group Art Unit:	1745	<b>ر</b> 5	У. Ци # Д	
Filed:	November 9, 2001	)	Examiner: Unas	signe		11/2	19003
For:	DIFFUSER IN AN AIR MASS FLOW CONTROLLER	) ) )		TC 1700	¥0¥	REC	
	nissioner for Patents ngton, D.C. 20231			MAIL	1-6 2002	CEIVE	ţ
Sir:	•		, ; ;	ROOM	02		

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the document listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

Provisional U.S. Patent Application No. 60/255,713 (now Patent Application No. 09/986,756) is discussed at page 1, of the present specification, and may be pertinent for the reasons noted therein. A copy of the listed document is attached. Applicant respectfully requests that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

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This submission does not represent that a search has been made or that no better art exists

and does not constitute an admission that the listed document is material or constitutes "Prior

Art". If it should be determined that the listed document does not constitute "Prior Art" under

United States law, Applicants reserve the right to present to the office the relevant facts and law

regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability

of the disclosed invention over the listed document, should the document be applied against the

claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby

authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit

Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR

**EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: November 5, 2002

Reg. No. 35,035

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